

Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
(509) 575-0313  
Attorneys for County Defendants

Honorable Thomas O. Rice

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

ANDREW NEWTON

Plaintiff,

vs.

CITY OF EAST WENATCHEE, a  
municipal corporation; DOUGLAS  
COUNTY, a municipal corporation; PHILIP  
AMICI, in his individual and official  
capacity; CARL MOHNS in his individual  
capacity; ADRIAN LOPEZ, in his  
individual and official capacity; WILLIAM  
LANE, in his individual and official  
capacity; and RUBI RAMIREZ, in her  
individual and official capacity,

Defendants.

**NO. 2:25-cv-00112-TOR**

**COUNTY DEFENDANTS'  
ANSWER AND  
AFFIRMATIVE DEFENSES**

Defendants Douglas County, Adrian Lopez and Rubi Ramirez (hereinafter  
“County defendants”) answer plaintiff’s complaint as follows:

**I. INTRODUCTION**

**COUNTY DEFENDANTS’ ANSWER  
AND AFFIRMATIVE DEFENSES - 1**

**MENKE JACKSON BEYER**  
807 North 39<sup>th</sup> Avenue  
Yakima, WA 98902  
Telephone (509)575-0313  
Fax (509)575-0351

1.1 In answering the allegations contained in paragraph 1.1 of plaintiff's complaint, County defendants respond that said paragraph does not contain allegations of fact therefore no response is required. To the extent such paragraph does contain allegations of fact those allegations are denied.

1.2 County defendants deny the allegations contained in paragraph 1.2 of plaintiff's complaint.

1.3 County defendants deny the allegations contained in paragraph 1.3 of plaintiff's complaint.

1.4 County defendants deny the allegations contained in paragraph 1.4 of plaintiff's complaint.

## II. PARTIES

2.1 County defendants are without sufficient information or belief to admit or deny the allegations contained paragraph 2.1 of plaintiff's complaint and therefore deny the same.

2.2 In answering the allegations contained in paragraph 2.2 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

2.3 In answering the allegations contained in paragraph 2.3 of plaintiff's complaint County defendants admit that Douglas County is a municipal

corporation formed under the laws of the State of Washington and that the Douglas County Sheriff's Department is a Department of the County.

2.4 In answering the allegations contained in paragraph 2.4 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

2.5 In answering the allegations contained in paragraph 2.5 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

2.6 County defendants admit the allegations contained in paragraph 2.6 of plaintiff's complaint.

2.7 County defendants admit the allegations contained in paragraph 2.7 of plaintiff's complaint.

2.8 County defendants deny the allegations contained in the first sentence of paragraph 2.8 of plaintiff's complaint. In answering the remaining allegations contained in said paragraph County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

### III. JURISDICTION AND VENUE

3.1 County defendants admit the allegations contained in paragraph 3.1 of plaintiff's complaint.

3.2 County defendants admit the allegations contained in paragraph 3.2 of plaintiff's complaint.

#### IV. FACTS

4.1 County defendants admit the allegations contained in paragraph 4.1 of plaintiff's complaint.

4.2 County defendants admit the allegations contained in paragraph 4.2 of plaintiff's complaint.

4.3 County defendants admit the allegations contained in paragraph 4.3 of plaintiff's complaint.

4.4 County defendants are without sufficient information or belief to admit or deny the allegations contained in paragraph 4.4 of plaintiff's complaint and therefore deny the same.

4.5 County defendants deny the allegations contained in paragraph 4.5 of plaintiff's complaint.

4.6 County defendants admit the allegations contained in paragraph 4.6 of plaintiff's complaint.

4.7 County defendants deny the allegations contained in paragraph 4.7 of plaintiff's complaint.

4.8 County defendants deny the allegations contained in paragraph 4.8 of plaintiff's complaint.

4.9 County defendants deny the allegations contained in paragraph 4.9 of plaintiff's complaint.

4.10 In answering the allegations contained in paragraph 4.10 of plaintiff's complaint County defendants respond that said paragraph only contains conclusions of law and that RCW 46.20.015 speaks for itself therefore no response is required.

4.11 County defendants admit the allegations contained in paragraph 4.11 of plaintiff's complaint.

4.12 In answering the allegations contained in paragraph 4.12 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.13 County defendants deny the allegations contained in paragraph 4.13 of plaintiff's complaint.

4.14 In answering the allegations contained in paragraph 4.14 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

1  
2 4.15 In answering the allegations contained in paragraph 4.15 of plaintiff's  
3 complaint County defendants respond that said allegations are not directed to  
4 County defendants and do not contain allegations of fact related to County  
5 defendants therefore no response is required from them.  
6

7 4.16 In answering the allegations contained in paragraph 4.16 of plaintiff's  
8 complaint County defendants respond that said allegations are not directed to  
9 County defendants and do not contain allegations of fact related to County  
10 defendants therefore no response is required from them.  
11

12 4.17 County defendants deny the allegations contained in paragraph 4.17 of  
13 plaintiff's complaint.  
14

15 4.18 In answering the allegations contained in paragraph 4.18 of plaintiff's  
16 complaint County defendants respond that said allegations are not directed to  
17 County defendants and do not contain allegations of fact related to County  
18 defendants therefore no response is required from them.  
19

20 4.19 In answering the allegations contained in paragraph 4.19 of plaintiff's  
21 complaint County defendants respond that said allegations are not directed to  
22 County defendants and do not contain allegations of fact related to County  
23 defendants therefore no response is required from them.  
24

25 4.20 In answering the allegations contained in paragraph 4.20 of plaintiff's  
26 complaint County defendants respond that said allegations are not directed to  
27  
28

County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.21 County defendants admit the allegations contained in paragraph 4.21 of plaintiff's complaint.

4.22 In answering the allegations contained in paragraph 4.22 of plaintiff's complaint County defendants admit that plaintiff was not armed with a firearm at the time of the incident described in the complaint.

4.23 County defendants deny the allegations contained in paragraph 4.23 of plaintiff's complaint.

4.24 County defendants admit the allegations contained in paragraph 4.24 of plaintiff's amended complaint.

4.25 In answering the allegations contained in paragraph 4.25 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.26 In answering the allegations contained in paragraph 4.26 of plaintiff's complaint County defendants admit that defendant Ramirez did call plaintiff by his first name as that was the only name he had provided.

4.27 County defendants admit the allegations contained in paragraph 4.27 of plaintiff's complaint.

4.28 County defendants admit the allegations contained in paragraph 4.28 of plaintiff's complaint.

4.29 In answering the allegations contained in paragraph 4.29 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.30 County defendants admit the allegations contained in paragraph 4.30 of plaintiff's complaint.

4.31 In answering the allegations contained in paragraph 4.31 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.32 County defendants admit the allegations contained in paragraph 4.32 of plaintiff's complaint.

4.33 In answering the allegations contained in paragraph 4.33 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.34 County defendants are without sufficient information or belief to admit or deny the allegations contained in paragraph 4.34 of plaintiff's complaint and therefore deny the same.



4.35 County defendants deny the allegations contained in paragraph 4.35 of plaintiff's complaint.

4.36 County defendants deny the allegations contained in paragraph 4.36 of plaintiff's amended complaint.

4.37 County defendants admit the allegations contained in paragraph 4.37 of plaintiff's complaint.

4.38 In answering the allegations contained in paragraph 4.38 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.39 County defendants deny the allegations contained in paragraph 4.39 of plaintiff's complaint.

4.40 County defendants deny the allegations contained in paragraph 4.40 of plaintiff's complaint.

4.41 In answering the allegations contained in paragraph 4.41 of plaintiff's complaint County defendants respond that said allegations are not directed to County defendants and do not contain allegations of fact related to County defendants therefore no response is required from them.

4.42 County defendants deny the allegations contained in paragraph 4.42 of plaintiff's complaint.

4.43 County defendants admit the allegations contained in paragraph 4.43 of plaintiff's complaint.

4.44 In answering the allegations contained in paragraph 4.44 of plaintiff's complaint County defendants admit that the plaintiff was transported to Central Washington Hospital for evaluation. County defendants deny the remaining allegations contained in said paragraph

4.45 County defendants admit the allegations contained in paragraph 4.45 of plaintiff's complaint.

4.46 In answering the allegations contained in paragraph 4.46 of plaintiff's complaint County defendants respond that although plaintiff has not yet been convicted of any offenses related to the incident on May 23, 2023 charges are still pending related to such incident. County defendants deny the remaining allegations contained in said paragraph.

4.47 County defendants deny the allegations contained in paragraph 4.47 of plaintiff's complaint.

**V. LEGAL CLAIMS**  
**FIRST CAUSE OF ACTION**

**Violations of Fourth Amendment to U.S. Constitution (42 U.S.C. § 1983)**  
**Against all Individual Defendants**

5.1 County defendants incorporate all foregoing admissions and denials.

5.2 County defendants deny the allegations contained in paragraph 5.2 of plaintiff's complaint.

5.3 County defendants deny the allegations contained in paragraph 5.3 of plaintiff's complaint.

5.4 County defendants deny the allegations contained in paragraph 5.4 of plaintiff's complaint.

5.5 County defendants deny the allegations contained in paragraph 5.5 of plaintiff's complaint.

5.6 County defendants deny the allegations contained in paragraph 5.6 of plaintiff's complaint.

5.7 County defendants deny the allegations contained in paragraph 5.7 of plaintiff's complaint.

**SECOND CAUSE OF ACTION**  
**Assault and Battery**  
**Against All Defendants**

5.8 County defendants incorporate all foregoing admissions and denials.

5.9 County defendants deny the allegations contained in paragraph 5.9 of plaintiff's complaint.

5.10 In answering the allegations contained in paragraph 5.10 of plaintiff's complaint County defendants admit that Douglas County is vicariously liable for certain acts and omissions of its employees committed in the course and scope of their official duties. However, County defendants expressly deny that the acts alleged in plaintiff's complaint give rise to vicarious liability.

5.11 County defendants deny the allegations contained in paragraph 5.11 of plaintiff's complaint.

**THIRD CAUSE OF ACTION**

**Outrage**

**Against All Defendants**

5.12 County defendants incorporate all foregoing admissions and denials.

5.13 County defendants deny the allegations contained in paragraph 5.13 of plaintiff's complaint.

5.14 In answering the allegations contained in paragraph 5.14 of plaintiff's complaint County defendants admit that Douglas County is vicariously liable for certain acts and omissions of its employees committed in the course and scope of their official duties. However, County defendants expressly deny that the acts alleged in plaintiff's complaint give rise to vicarious liability.

5.15 County defendants deny the allegations contained in paragraph 5.15 of plaintiff's complaint.

**FOURTH CAUSE OF ACTION**

**Negligence**

**Against All Defendants**

5.16 County defendants incorporate all foregoing admissions and denials.

5.17 In answering the allegations contained in the first sentence of paragraph 5.17 of plaintiff's complaint County defendants respond that said sentence contains only arguments of law and no allegations of fact therefore no

response is required. County defendants deny the allegations contained in the second sentence of said paragraph.

5.18 County defendants deny the allegations contained in paragraph 5.18 of plaintiff's complaint.

5.19 County defendants deny the allegations contained in paragraph 5.19 of plaintiff's complaint.

5.20 County defendants deny the allegations contained in paragraph 5.20 of plaintiff's complaint.

**FIFTH CAUSE OF ACTION**

***Monell Action***

**Against Douglas County and City of East Wenatchee**

5.21 County defendants deny the allegations contained in paragraph 5.21 of plaintiff's complaint.

5.22 County defendants deny the allegations contained in paragraph 5.22 of plaintiff's complaint.

5.23 County defendants deny the allegations contained in paragraph 5.23 of plaintiff's complaint.

**ALL ALLEGATIONS NOT EXPRESSLY ADMITTED ARE DENIED**

**AFFIRMATIVE DEFENSES**

County defendants assert by way of affirmative defenses the following:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. All conduct alleged by the plaintiff was lawful.

3. The individual County defendants are qualifiedly immune from suit.

4. The plaintiff's damages, if any, were caused by plaintiff himself and/or third parties over whom the County defendants exercised no control or right to control and who may or may not be a party to this action.

5. The plaintiff has failed to mitigate his damages, if any.

6. The conduct of the County defendants was not the proximate cause of plaintiff's injuries and damages, if any.

7. The plaintiff's claims are barred in whole or part by the public duty doctrine.

8. The plaintiff's claims are barred in whole or part by res judicata and/or collateral estoppel.

9. The plaintiff's claims are barred by RCW 5.40.060(1).

10. The plaintiff has failed to strictly comply with RCW 4.96 et seq. which is a necessary condition precedent to certain state law claims.

11. The plaintiff's claims may be barred in whole or part by the applicable statute of limitations.

### **PRAYER FOR RELIEF**

County defendants request the following relief:

1. Plaintiff's complaint be dismissed with prejudice;
2. Plaintiff be awarded nothing;

3. County defendants be awarded their reasonable attorney's fees and costs pursuant to applicable statute, case law or recognized ground in equity for litigating this matter; and

4. For such other and further relief as the court deems just and equitable under the circumstances.

DATED this 11th day of June, 2025

s/KIRK A. EHLIS (WSBA #22908)  
Attorneys for County Defendants  
Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
Telephone: (509) 575-0313  
Fax: (509) 575-0351  
Email: [kehlis@mjbe.com](mailto:kehlis@mjbe.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2025, I electronically served the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Nathaniel Flack WSBA #58582  
[NathanielF@mhb.com](mailto:NathanielF@mhb.com)  
*Attorney for Plaintiff*

Lauren I. Freidenberg WSBA #59145  
[LaurenF@mhb.com](mailto:LaurenF@mhb.com)  
*Attorney for Plaintiff*

Ann E. Trivett WSBA #39228  
[atrivett@kbmlawyers.com](mailto:atrivett@kbmlawyers.com)  
*Attorneys for City Defendants*

Anthony S. Marinella WSBA #55611  
[amarinella@kbmlawyers.com](mailto:amarinella@kbmlawyers.com)  
*Attorneys for City Defendants*

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None

/s/Kirk A. Ehlis  
Kirk A. Ehlis (WSBA #22908)  
Attorneys for Defendants  
Douglas County, Rubi Ramirez  
and Adrian Lopez  
Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
Telephone: (509) 575-0313  
Fax: (509) 575-0351  
Email: [kehlis@mjbe.com](mailto:kehlis@mjbe.com)